

1
2 UNITED STATES BANKRUPTCY COURT
3 SOUTHERN DISTRICT OF NEW YORK

Table 1: Motivation

7 RUDOLPH W. GIULIANI, Main Case No.
8 Debtor. 23-12055-sh1

16 May 30, 2024
17 2:00 PM

21 B E F O R E:
22 HON. SEAN H. LANE
23 U.S. BANKRUPTCY JUDGE
24
25 ECRO: ART

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2 Doc. #214 Motion To Retain Sotheby's International Realty As
3 Real Estate Broker

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4 DIETRICH KNAUTH, Reuters

5 EILEEN SULLIVAN, New York Times

6 MICHAEL TOMBACK, Reorg

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RUDOLPH W. GIULIANI

1 P R O C E E D I N G S

2 THE COURT: Good afternoon. This is Judge Sean Lane
3 in the United States Bankruptcy Court for the Southern District
4 of New York. And we're here for a few matters on at 2 o'clock,
5 the first of which is the Rudolph W. Giuliani Chapter 11 case.

6 And so we'll start by getting appearances. So let's
7 start with the debtor's counsel.

8 MR. BERGER: Yeah. Good afternoon, Your Honor. Heath
9 Berger of Berger, Fischoff, Shumer, Wexler & Goodman, attorneys
10 for the debtor.

11 THE COURT: All right. Good afternoon.

12 And on behalf of the official committee of unsecured
13 creditors.

14 MS. BIBLO BLOCK: Good afternoon, Your Honor. Rachel
15 Biblo Block with Akin Gump Strauss Hauer & Feld on behalf of
16 the official committee of unsecured creditors. And I'm joined
17 by my colleague Phil Dublin and Amelia Danovitch.

18 THE COURT: All right. Good afternoon.

19 On behalf of the Freeman plaintiffs.

20 MR. BURBAGE: Good afternoon, Your Honor. Jim Burbage
21 of Willkie Farr & Gallagher. I'm here with my colleague Aaron
22 Nathan.

23 THE COURT: All right. Good afternoon.

24 I believe we may have someone here on behalf of
25 Sotheby's.

RUDOLPH W. GIULIANI

1 MS. AUGUSTINE: Yes. Good afternoon, Your Honor.

2 Mary Augustine on behalf of Sotheby's International Realty.

3 And my pro hac motion was filed last night.

4 THE COURT: All right. Good afternoon.

5 And on behalf of the United States Trustee's office.

6 MS. SCHWARTZ: Good afternoon, Your Honor. Andrea
7 Schwartz for the United States Trustee.

8 THE COURT: All right. Good afternoon.

9 So we are here for a motion to retain Sotheby's that
10 was filed on behalf of the debtors. And of course, we're also
11 here, really, as a status conference generally, just to see
12 about the status of the case. I know that there are some
13 motions -- there's a motion teed up for June 17th. And so I'll
14 just throw it open to debtor's counsel and then anybody else
15 about status before we turn to the motion.

16 So Mr. Berger.

17 MR. BERGER: Yeah, Your Honor. Heath Berger.

18 Status, Judge, from when we were on last week, really,
19 Judge, we're moving forward with the motion. We did get served
20 with the motion from the committee, so we'll be working on
21 dealing with that. We also resolved last time with the signed
22 order in regard to the injunction and again, moving forward and
23 getting the property listed hopefully today on the retention on
24 Sotheby's. Other than that, Judge, no different status than
25 when we were here last week.

1 THE COURT: All right. Thank you very much.

2 And I'll throw it open to the virtual room. See if
3 anyone has anything they wanted to address as to status before
4 we turn to the Sotheby's motion.

5 All right. Hearing nothing, let's go forward with the
6 motion. Back to you, Mr. Berger.

7 MR. BERGER: Yeah. Thank you, Your Honor. Heath
8 Berger of Berger, Fischoff, Schumer, Wexler & Goodman, attorneys
9 for the debtor.

10 Your Honor, this is the debtor's motion to employ and
11 retain Sotheby's International Realty as its real estate broker
12 to sell the property located at 45 East 66th Street, Apartment
13 10-W, in the City. Judge, they're going to be retained
14 pursuant to the listing agreement that was filed with the
15 declaration. The commission agreement is four percent. If
16 it's a direct sale, then it's five percent because it's
17 cobroken. There has been no objections.

18 There has been a proposed order that's been circulated
19 between the parties. The U.S. Trustee had a couple of comments
20 that we spoke about this morning. So I'm making those changes,
21 and I'll get them out to the official committee and all parties
22 involved. So hopefully, we should have an order for the Court
23 to sign within the next twenty-four hours. But there have been
24 no objections, Your Honor, and it's that important step moving
25 forward on this case.

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1 THE COURT: All right. Thank you very much.

2 Anything on behalf of the committee?

3 MS. BIBLO BLOCK: Your Honor, we're in favor of taking
4 steps to monetize the debtor's assets, so we're supportive.

5 THE COURT: All right. Thank you very much.

6 Anything on behalf of the Freeman plaintiffs?

7 MR. BURBAGE: No, Your Honor.

8 THE COURT: All right. Thank you very much.

9 On behalf of the United States Trustee's office?

10 MS. SCHWARTZ: No, Your Honor. We don't have an
11 objection.

12 THE COURT: All right. Thank you very much.

13 And last but not least, anything on behalf of
14 Sotheby's?

15 MS. AUGUSTINE: Your Honor, Mary Augustine for
16 Sotheby's again. I wasn't aware of any proposed changes to the
17 order this morning, so I just ask that I be included in those
18 proposed changes.

19 MR. BERGER: Absolutely, Your Honor. That was part of
20 who we'll get the revisions sent out, which we just worked on
21 about an hour ago.

22 THE COURT: Okay. Thank you very much for that
23 comment.

24 And I am happy to grant the motion to employ and
25 retain Sotheby's International Realty as the real estate broker

RUDOLPH W. GIULIANI

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1 to market and sell the Manhattan apartment at 45 East 66th
2 Street. It has been much discussed and been the focus of much
3 tension in terms of the case moving forward. And so it's a
4 sea -- well, it's a nice, happy point of agreement among all
5 parties in a sea of contentious matters. And so I very happy
6 to be able to approve it. And I find it satisfies all the
7 requirements of applicable law. It's appropriate under all the
8 facts and circumstances of the case. And so I will await the
9 revised proposed order.

10 And with that, let me ask Mr. Berger if there's
11 anything else that we need to discuss here this afternoon.

12 MR. BERGER: I don't believe so, Your Honor. Thank
13 you.

14 THE COURT: All right. Thank you very much.

15 And I'll throw it open to the virtual room if there's
16 anything else anybody else needs to discuss. And if not, I
17 will see all you nice in June. All right.

18 MR. BERGER: Thank you, Your Honor.

19 THE COURT: Hearing nothing, thank you very much, Mr.
20 Berger. Your predictions for a quick hearing today turned out
21 to be accurate. Again, happy to see everybody be able to get
22 behind the sale and look forward to seeing that move forward.
23 Thanks so much. Have a good rest of your day.

24 MR. BERGER: Thank you, Your Honor.

25 (Whereupon these proceedings were concluded at 2:19 PM)

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2 I N D E X

3 RULINGS:	PAGE	LINE
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5 real estate broker is granted		

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2 C E R T I F I C A T I O N

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4 I, River Wolfe, certify that the foregoing transcript is a true
5 and accurate record of the proceedings.

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17 Date: June 2, 2024

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